



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,816	12/13/2001	Hong Cheol Seo	MR2685-104	6245

4586 7590 11/27/2006

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

DUNHAM, JASON B

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,816

Applicant(s)

SEO, HONG CHEOL

Examiner

Jason B. Dunham

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/19/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1,3,4,6,8,10,12,14,15, and 17 have been amended and claim 2 has been canceled in applicant's response filed September 19, 2006 to the office action dated March 21, 2006. Claims 1 and 3-18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgato (U.S. Patent No. 5,950,178) in view of Kinney (U.S. Patent No. 6,564,192).

Referring to claim 1. The combination of Borgato and Kinney discloses an electronic commerce method comprising the steps of:

- Preparing a list of products to be bought and sold through an electronic commerce system (Borgato: abstract);
- Retrieving market prices for each of the products of the list of products from a source external to the electronic commerce system (Kinney: abstract);
- Displaying on a home page of an electronic commerce system server connected to the Internet, the list of products having a product name column representing product names with respect to a number of products, a market price column

representing the market price obtained for each product from the external source, a purchase registration column representing a buyer registration situation with respect to each product, and a sale registration column representing a seller registration situation, said purchase registration column for each product including a total number of purchase registrants and the highest price for the product, and said sale registration column for each product including a total number of sale registrants and the lowest price of each product (Borgato: figure 6 & column 2, lines 35-52 and Kinney: abstract, column 3, line 41 – column 4, line 7);

- Downloading the home page including the list of products to terminals of a number of buyers and sellers connected to the system server on the internet (Borgato: column 7, lines 23-39);
- Bidding and registering each purchase and sale condition with respect to a particular product in the purchase registration column and the sale registration column, by the number of buyers and sellers (Borgato: column 8, lines 3-25 & figure 6);
- Selecting and indicating the highest purchase price offered by a buyer and the lowest sale price requested by a seller among a number of purchase conditions and sale conditions whenever a new registration is performed in the purchase registration column and the sale registration column with respect to a particular product (Borgato: abstract);

- Receiving a purchase intention expressed by a buyer in response to a corrected sale condition of the particular product by the buyer or receiving a sale intention expressed by a seller in response to a corrected purchase condition of the particular product by the seller (Borgato: column 13, line 51 – column 14, line 3);
- Remitting a product bill to a designated bank account of a system manager in sequence with the purchase intention in the case that the first priority intention expresser is a buyer, and remitting a product bill to the designated bank account by a buyer selected according to a request of the system server in the case that the first priority intention expresser is a seller (Borgato: column 4, lines 24-44);
- Requesting the seller to deliver the product to the buyer in reply to the remittance of the product bill (Borgato: column 4, lines 24-44); and
- Remitting the product bill to the seller upon completion of the delivery of the product (Borgato: column 4, lines 24-44).

Borgato discloses all of the above but does not expressly disclose receiving market prices from an external source and displaying the total number of supplies and bidders for each product. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Borgato to have included receiving market prices from an external source, as taught by Kinney, in order to establish a competitive price point (Kinney: abstract). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Borgato to have included displaying the total number of supplies and bidders

Art Unit: 3625

for each product, as taught by Kinney, in order to enable every participating bidder to see quickly the change in market conditions (Kinney: column 4, lines 3-7).

Referring to claim 3. The combination of Borgato and Kinney further discloses a method comprising the step of replacing said market price from said external source a just previous contract price when a previous contract exists, and is automatically updated whenever a subsequent contract is accomplished (Kinney: abstract and Borgato: column 3, lines 31-40).

Referring to claim 4. The combination of Borgato and Kinney further discloses a method wherein said electronic commerce method further comprises the step of providing a common registration window showing a purchase registration situation including at least one buyer brief information and a purchase price with respect to a particular product, and a sale registration situation including at least one sale price and inventory quantity, in the case that any one of the particular purchase registrants and sale registrants is selected (Borgato: figures 2 & 9).

Referring to claim 5. The combination of Borgato and Kinney further discloses a method comprising the steps of:

- Correcting the purchase and sale conditions by at least one buyer and seller, and bidding the corrected result (Borgato: column 2, lines 1 – 15); and
- Refreshing display information in the common registration window by at least one of the corrected bidding registered purchase condition and sale condition (Borgato: column 13, line 51 – column 14, line 3), wherein display of the purchase intention and the sale intention is accomplished by selecting a

Art Unit: 3625

purchase price and a sale price of each particular product (Borgato: column 13, line 51 – column 14, line 3).

Referring to claims 6-7. Claims 6-7 are rejected under the same rationale set forth above in the rejection claims 4-5.

Referring to claim 8. The combination of Borgato and Kinney discloses a reverse auction electronic commerce method (Borgato discloses a buyer making a bid for a particular product and allowing sellers to compete for that product) comprising the steps of:

- Preparing a list of products....(disclosed above in arguments to claims 1 & 2);
- Downloading the home page....(disclosed above in arguments to claim 1);
- Selecting and indicating....(disclosed above in arguments to claim 1);
- receiving a first priority purchase intention expressed by a seller in response to a sale condition of the particular product by one of the bidding registered sellers and non-bidding sellers (Borgato: figure 6);
- Remitting a product bill....(disclosed above in arguments to claim 1);
- Requesting the seller...(disclosed above in arguments to claim 1);
- Remitting the product bill...(disclosed above in arguments to claim 1).

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in arguments to claim 5.

Referring to claim 10. The combination of Borgato and Kinney discloses an electronic commerce method comprising the steps of:

- Preparing a list of products....(disclosed above in arguments to claim 1);

- Downloading the home page....(disclosed above in arguments to claim 1);
- Bidding and registering....(disclosed above in arguments to claim 1);
- Selecting by a buyer....(disclosed above in arguments to claims 1 & 8);
- Requesting the seller....(disclosed above in arguments to claims 1 & 8);
- Remitting the product bill to the seller upon being notified of completion of the delivery of the product from the seller to the buyer, to thereby achieve an indefinitely periodical, simultaneous and multi-occurring bidding purchase and bidding sale with respect to a particular product (Borgato: figure 6 and argument to claim 1).

Referring to claims 11-12. Claims 11-12 are rejected under the same rationale as set forth above in arguments to claims 4 & 5.

Referring to claim 13. The combination of Borgato and Kinney further discloses a method wherein said product list further comprises a market price column showing one of a market price, average price, and the lowest price at a current point in time with respect to each product (Borgato: figure 6).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in arguments to claims 1, 8, and 10.

Referring to claims 15-16. Claims 15-16 are rejected under the same rationale as set forth above in arguments to claims 1 & 4. The combination of Borgato and Kinney disclose a system as claimed in claims 15-16.

Referring to claims 17-18. Claims 17-18 are rejected under the same rationale as set forth above in arguments to claims 1,8 & 10. The combination of Borgato and Kinney disclose a system as claimed in claims 17-18.

Response to Arguments

Applicant's arguments with respect to claims 1 and 2-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

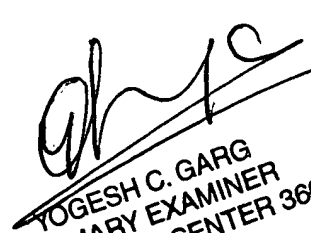
Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
11/16/06


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600